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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,620	02/26/1999	JAMES Q. MI	INTL-0160-US	5503

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EXAMINER

MEISLAHN, DOUGLAS J

ART UNIT PAPER NUMBER

2132

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/259,620

Applicant(s)

MI ET AL.

Examiner

Douglas J. Meislahn

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed 06 May 2002 that added claims 21-26 amended claims 6-9 and 16.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 23 recites the limitation "the first computer system" in its second line. There is insufficient antecedent basis for this limitation in the claim. This clause has been interpreted as "apparatus".

### ***Response to Arguments***

5. Applicant's arguments filed 06 May 2002 have been fully considered but they are not persuasive.
6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

*Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited section of *Schneier* clearly teaches the transmission of the request for authentication as facilitating authentication of an entity. The request both specifies an entity that is to respond and provides authentication material.

Applicant also argues that the subscriber identification does not identify the platform, stating that it is unambiguous and could refer to something like an account number. The subscriber platform and identification are both associated with the subscriber and hence associated with each other. As such, the subscriber identification identifies the subscriber platform. With respect to claim 6, the platform clearly anticipates a computer, which includes a processor.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5, 6, 10, 11, 13, 15, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski et al. (5825884) in view of *Schneier (Applied Cryptography)*.

In lines 64-67 of column 4, Zdepski et al. talk about encrypting a platform's identifier with a recipient's public key. In the following column, this cryptogram is sent to the recipient. These disclosures clearly meet the limitations of the last three clauses of the first claim. Zdepski et al. do not explicitly say that a request for identification

originates at the eventual recipient and is relayed to the platform. In the most simple authentication protocol using public keys, a host sends a recipient a random string (Schneier – pages 53-54). The recipient responds with an identifier and a cryptogram of the random string. Hence the act of sending the random string is a request for identification. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the transaction server in Zdepski et al. to request an identifier from the subscriber platform as a way to authenticate the subscriber, as taught by Schneier.

With respect to claim 5, Zdepski et al. are using a public key, which would be associated with a user or address. As the content is requested, this user can be seen as a web site. Regarding claims 18-20, public key algorithms are collision-resistant, non-commutative, and one-way.

In regard to claims 10, 11, and 13, on pages 185-186, Schneier teaches certificates as a means to “thwart attempts to substitute one key for another”. This is a type of verification. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to verify the public key used in Zdepski et al. to avoid undesired key swaps as taught by Schneier.

9. Claims 2, 3, 7, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski et al. and Schneier in view of Dwork et al. (5978482).

Zdepski et al. show sending identifiers encrypted with a recipient's public key. They do not say that the identifiers are processor numbers. In figure 6 and line 8-10 of column 13, Dwork et al. use processor numbers as a way to uniquely identify users.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a processor number, as taught by Dwork et al., for the identifier in Zdepski et al. to uniquely identify the sender.

10. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski et al. and Schneier.

Zdepski et al. show sending identifiers encrypted with a recipient's public key. They do not say that the public key had been sent from the recipient to the encrypting entity. Official notice is taken that it is old and well known for an entity to send its public key to a recipient so that the recipient can encrypt data that can then only be decrypted by the public key's originator. This also saves the encrypting entity from searching for the public key. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send the public key from the transaction server to the subscriber platform, thereby saving the subscriber platform from searching for the key.

11. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier and Zdepski et al. as applied to claims 1 and 11 above, and further in view of Linehan (6327578).

Zdepski et al. and Schneier show sending identifiers encrypted with a recipient's verified public key. They do not say that the key indicates an URL address. In lines 14-20 of column 5, Linehan teaches including an URL in a certificate. Thus the public key would indicate an URL address. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to follow Linehan's example

and include an URL address in the certificate of Schneier associated with the public key in Zdepski et al. This ties the key to a specific entity.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski et al. and Schneier as applied to claim 10 above, and further in view of Dwork et al.

Zdepski et al. and Schneier show sending identifiers encrypted with a recipient's verified public key. They do not say that the identifier is a processor number. In figure 6 and line 8-10 of column 13, Dwork et al. use processor numbers as a way to uniquely identify users. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a processor number, as taught by Dwork et al., for the identifier in Zdepski et al. to uniquely identify the sender.

13. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdepski et al., Schneier, and Dwork et al. as applied to claims 2, 7, and 14 above.

Zdepski et al., Schneier, and Dwork et al. present a system in which a processor number identifies a user platform. They do not say that the user platform processor is a microprocessor. Official notice is taken that the use of microprocessors is old and well-known. They are at the heart of almost all of today's computers. Their small size is their advantage over a specifically generic processor. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the processor in Zdepski et al. to be a microprocessor.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached on between 9 AM and 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



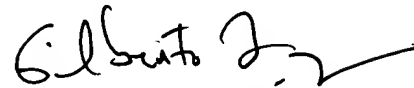
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DJM  
July 18, 2002

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